

**CITY OF PORT WASHINGTON  
PLAN COMMISSION MEETING  
MINUTES  
THURSDAY, MARCH 18, 2021**

**ROLL CALL:** Mayor Marty Becker called a duly convened meeting of the Plan Commission to order at 6:01 p.m. Member present were: City Engineer Rob Vanden Noven, Eric Ryer, Mike Ehrlich, and Tony Matera. Present on the phone was City Administrator Tony Harris, Alderman Paul Neumyer and Ted Neitzke. Also, present was: City Planner Bob Harris. Absent and excused: None.

**APPROVAL OF MINUTES FOR THE FEBRUARY 18, 2021: MOTION BY MIKE EHRLICH AND SECONDED BY TONY MATERA to approve the minutes as presented. Motion carried unanimously.**

**PUBLIC APPEARANCE & COMMENTS:** There was none.

**PUBLIC HEARING ON THE PROPOSED TERRITORY AND PROJECT PLAN AMENDMENT TO TAX INCREMENTAL DISTRICT (TID #3) AS RELATED TO THE PROPOSED CEDAR VINEYARD MIXED USE DEVELOPMENT:** The Mayor opened the Public Hearing on the Proposed Territory and Project Plan Amendment to Tax Incremental District (TID #3) as related to the proposed Cedar Vineyard Mixed Use Development at 6:02 pm. Nobody was there to speak at the public hearing. The Mayor then closed the Public Hearing at 6:03 pm.

**AMENDMENT TO TAX INCREMENT DISTRICT 3:** City Planner Bob Harris reviewed this item for the Plan Commissioners. He stated that Tax Incremental District No. 3 (TID 3 or the District) was created by the City of Port Washington in 2015 to provide infrastructure improvements and development incentives for a mixed-used development combining a residential subdivision, vineyards and winery, conservation lands, and redevelopment of the City's industrial park. Planned projects for the District included a mix of public infrastructure projects and developer incentives that would be directly invested into specific redevelopment sites. Since 2015, plans have changed for the proposed Cedar Vineyards subdivision and winery as well as the conservation lands and recreational paths. This amendment to the project plan for TID 3 modifies the boundaries of the District and the proposed improvements and uses to reflect the change in the proposed location for the winery, the new layout of the Cedar Vineyards subdivision and vineyards, and the new location of the conservation lands. It also modifies the list of project costs to reflect the change in the layout of the Cedar Vineyards development. This Tax Incremental Finance District is a mixed-used district under Wisconsin Statutes §66.1105(2)(cm). The plan for the District includes a mix of residential, commercial, and industrial uses, to be developed in two or more phases. The City Planner reviewed the first phase of the development that included a planned mixed-used development know as Cedar Vineyard. He reviewed that changes from the 2015 version to the 2021 version. Ms. Christy DeMaster from Trilogy Consultant also reviewed changes to the Tax Incremental District No. 3. **MOTION BY TED NEITZKE AND SECONDED BY MIKE EHRLICH to approve the Amendment to Tax Increment District 3 as presented. Motion carried (6 Ayes: 1 Abstained (Matera).**

**CERTIFIED SURVEY MAP TO DIVIDE ONE LOT INTO FOUR LOTS FOR FOUR 2-UNIT RESIDENCES LOCATED ON THE EAST SIDE OF HARRIS DRIVE AND SOUTH OF FARM VIEW DRIVE:** City Planner Bob Harris reviewed this item with the Commissioners. He stated that this is a Harris Drive Duplex LLC development. It is on the east side of Harris Drive and just north of Harris Plaza commercial condominium. The applicants are proposing to divide the subject parcel into

four, half-acre lots via a Certified Survey Map for the purpose of constructing four, side by side duplex units. The area is primarily a mix of residential uses save for the multi-tenant commercial building at the intersection of Harris Drive and East Sauk Road. The residential uses vary from the four- and six-unit multi-family subdivision along New Port Vista Drive; the multi-family apartment complex along the west side of Harris Drive; and two single-family subdivisions: Matthaues Farms to the north and Woodridge I just to the west. This property is currently zoned AG-Agriculture and will require rezoning prior to residential development. Staff recommends approval of the Certified Survey Map as presented. **MOTION BY MIKE EHRLICH AND SECONDED BY ERIC RYER to approve the Certified Survey Map contingent on the grading plan, stormwater management plan and sewer plan being submitted and reviewed by staff. Motion carried (6 Ayes: 1 Abstained (Matera)).**

**REZONING OF LANDS LOCATED ON THE EAST SIDE OF HARRIS DRIVE AND SOUTH OF FARM VIEW DRIVE FROM AG-AGRICULTURE TO RS-6 ONE AND TWO FAMILY RESIDENTIAL:** City Planner Bob Harris reviewed this item with the Commissioners. He stated that this project is requesting to rezoning the lands located on the east side of Harris Drive and south of Farm View Drive from AG-Agriculture to RS-6, One and Two Family Residential. Staff recommends the Commission recommend to the Common Council to rezone the subject parcel from AG-Agriculture to RS-6, One and Two Family Residential. **MOTION BY MIKE EHRLICH AND SECONDED BY ERIC RYER to recommend to the Common Council to approve the rezoning of this property from Ag-Agriculture to RS-6 One and Two Family Residential as presented. Motion carried (5 Ayes; 1 Abstained (Matera)).**

**ZONING CODE AMENDMENT REQUEST TO AMEND THE I-2 INDUSTRIAL PARK ZONING DISTRICT TO ALLOW FOR THE SALE OF USED VEHICLES:** City Planner Bob Harris reviewed this item with the Plan Commissioners. He stated that Maritime Holding LLC, doing business as Maritime Enterprises, owns and operates a boat storage business in the Port Washington Industrial Park at 1020 Maritime Drive and in the former Allen Edmonds warehouse at 1112 Bywater Drive when it expanded its operation there in 2019. While Maritime Holdings was/is primarily in the business of boat storage, apparently the storage services also include other vehicles such as cars, RV's, motorcycles, travel trailers, and jet skis. As part of this storage business, the applicant wishes to acquire a State of Wisconsin Motor Vehicle Dealer License to buy and sell motor vehicles that are stored within its facility but for various reasons, such as financial hardship or death, a need no longer exists for the client to store the vehicle and would use the applicant to buy or sell it. A service such as this would require a dealership license, which requires sign off by the local municipality. The applicant approached City Staff for approval but was denied because the sale of used vehicles is not an allowable use in the industrial zoning district. As a result of this denial, the applicant is requesting an amendment to the City zoning code to allow for the type of vehicle sales use noted above. At the February 2021 Plan Commission meeting, the Plan Commissioners reviewed the petition submitted by the applicant to amend the City zoning code to allow such activity in the I-2 District subject to the requirements established by the State regulating WI Motor Vehicle Licenses. The Plan Commission agreed to consider the petition at its March meeting when Staff and the applicant work to put forth a Draft text for the Commissioners to consider. City Planner Harris reviewed the draft text with the Commissioners. The Commissioners discussed the changes. **MOTION BY MIKE EHRLICH AND SECONDED BY ROB VANDEN NOVEN to recommend to the Common Council to approve the zoning code amendment request to amend the I-2 as presented. Motion Denied (3 Ayes, (Matera, Vanden Noven, Ehrlich) 4 Nays, (Ryer, Neumyer, Neitzke, Mayor Becker)).**

**ZONING CODE AMENDMENT TO PROPOSE TO AMEND SECTION 20.02.040 OF THE CITY OF PORT WASHINGTON ZONING CODE:** City Planner Bob Harris reviewed this item

with the Plan Commissioners. He stated that currently, the City of Port Washington Zoning Code lists “Warehousing” as an allowable use in the following zoning districts: B-1, Business, as an accessory use; B-3, Business, as a Conditional Use; BP, Business Park, as a Conditional Use; I-1, Industrial, as a permitted use subject to Plan Commission approval; and I-2, Industrial Park, as a permitted use. However, there is no definition of “Warehousing” in the definition section of the zoning code, i.e., Sec. 20.20.040: List of Specific Words or Phrases. As such, Staff has been forced to interpret an undefined and open-ended use that may be applied to a wider range of uses that what may have been originally intended or un-intended. To provide both Staff and Plan Commission and elected members more clarity and direction, Staff is proposing to add the following definition of “Warehousing” under the List of Specific Words or Phrases. *“Warehouse/Warehousing: Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Including cold storage. Used by establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers. Includes storage, processing, packaging, and shipping facilities for mail order and e-commerce retail establishments. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public.”* Staff recommends the Plan Commission approve the proposed zoning text change as proposed. **MOTION BY ROB VANDEN NOVEN AND SECONDED BY MIKE EHRlich to approve zoning code amendment to propose to amend Section 20.02.040 of the City of Port Washington Zoning Code as presented. Motion carried unanimously.**

**ZONING CODE AMENDMENT-TO PROPOSE TO AMEND THE CITY OF PORT WASHINGTON ZONING CODE RELATING TO USED CAR LOTS:** City Planner Bob Harris reviewed this item with the Plan Commissioners. He stated that the used car sales and lots are currently permitted in the B-3 Business subject to Plan Commission approval via Building, Site, & Operations Plan or as a Conditional Use in the B-2 Business District. Specifically, used car lots are included as an allowable use along with a grouping of other automotive uses and services under Section 20.34.150 (B)(2)(c) of the City of Port Washington Zoning Code. City Planner Harris reviewed the new language for the Plan Commissioners. The proposed change would prohibit the use of any future used car sales and used car lots in any of the zoning districts in which they are currently permitted, by way of a permitted or conditional use Existing used car lots in the City of Port Washington would be grandfathered in should the Common Council approve the proposed zoning text amendment. New car dealership uses would continue to be permitted as detailed in the respective zoning district regulations, i.e., as permitted subject to Plan Commission approval or Conditional Use. Staff recommends the Plan Commission approve the proposed zoning text change as proposed. **MOTION BY MIKE EHRlich AND SECONDED BY TONY MATERA to approve the proposed amendment to amend the zoning code relating to used car lots as presented. Motion carried unanimously.**

**NEIGHBORHOOD PRESERVATION OVERLAY REVIEW FOR A NEW BREEZEWAY AND GARAGE WITH SECOND FLOOR LIVING SPACE LOCATED AT 418 JOHNSON STREET:** City Planner Bob Harris reviewed this item for the Commissioners. He stated that the applicants, Michael and Lori McAllister live at 418 Johnson Street. They also own 414 and 410 Johnson Street. These are two vacant parcels of land. Mr. and Mrs. McAllister have combined all the lots together to build an addition and a garage on this lot. They have submitted plans to the City. The property is regulated by three zoning districts: 1) The base zoning is CCM – Central City Mixed; 2) An OPD – Overlay Planned Development is in place to allow for a 7’ front setback; and 3) The entirety of the neighborhood is within the Mariner’s Point Neighborhood Preservation District (NPD). The NPD requires Design Review Board and Plan Commission review prior to any new construction or razing to take place. The property currently contains an existing detached garage. Section 20.11.020 of the City of Port Washington Zoning Code limits the square footage of a garage to 720 square feet and restricts

the number of garages on a property to one. City Planner Harris reviewed the material of the house, the design of the addition, breeze way, garage, and greenhouse with the Commissioners. The Design Review Board recommended approval to the Plan Commission as presented. Staff concurs with the Design Review Board. Staff also recommends the following conditions for approval: Approve the project as proposed with the condition to coordinate with the building inspector to remove the existing detached garage (or convert it to a shed that complies with Section 20.11.030) and driveway approach and the curb replaced. **MOTION BY MIKE EHRLICH AND SECONDED BY ROB VANDEN NOVEN to approve the changes to 418 Johnson Street as presented subject to the owner discussing the removal of the detached garage and driveway and replacing the curb with the Building Inspector's permission. Motion carried unanimously.**

**FORTHCOMING EVENTS:** The Mayoral and School Board Election will be held on Tuesday, April 6, 2021. Get out and Vote! Mayor Becker has one more Plan Commission to attend. Easter will be held on Sunday, April 4, 2021. Hippy Hoppity is Saturday, March 27, 2021 in Upper Lake Park. And March Madness begins tonight.

**ADJOURNMENT: MOTION BY ROB VANDEN NOVEN AND SECONDED BY TONY MATERA to adjourn the meeting at 7:14 pm Motion carried unanimously.**